

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAHMARI BUTLER,

Plaintiff,

v.

D. BAKER, et al.,

Defendant.

No. 2:23-cv-00565-DAD-JDP (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION DUE TO PLAINTIFF'S
FAILURE TO PROSECUTE AND DENYING
PLAINTIFF'S APPLICATION TO PROCEED
IN FORMA PAUPERIS AS MOOT

(Doc. Nos. 2, 7)

Plaintiff Jahmari Butler is a state prisoner proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 5, 2023, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiff's failure to prosecute. (Doc. No. 7.) Specifically, the service copy of the court's order dated April 5, 2023, which was mailed to plaintiff at his address of record, was returned to the court by the U.S. Postal Service as undeliverable on April 10, 2023. Plaintiff was therefore required by Local Rule 183 to file a notice of his change of address with the court no later than June 12, 2023. To date, plaintiff has not filed a notice of his change of address or otherwise communicated with the court.

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1 Accordingly, on July 5, 2023, the magistrate judge issued the pending findings and
2 recommendations recommending dismissal of this action due to plaintiff's failure to prosecute.
3 (Doc. No. 7.) Those pending findings and recommendations were served on plaintiff and
4 contained notice that any objections thereto were to be filed within fourteen (14) days after
5 service. (*Id.* at 1.) To date, plaintiff has not filed any objections and the time in which to do so
6 has passed.¹

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
8 *de novo* review of the case. Having carefully reviewed the entire file, the court finds the findings
9 and recommendations to be supported by the record and by proper analysis.

10 Accordingly,

- 11 1. The findings and recommendations issued on July 5, 2023 (Doc. No. 7) are
12 adopted in full;
- 13 2. This action is dismissed without prejudice due to plaintiff's failure to prosecute
14 this action;
- 15 3. Plaintiff's pending application to proceed *in forma pauperis* (Doc. No. 2) is denied
16 as having been rendered moot by this order; and
- 17 4. The Clerk of the Court is directed to close this case.

18 IT IS SO ORDERED.

19 Dated: August 4, 2023

20 
UNITED STATES DISTRICT JUDGE

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28 ¹ The service copy of the findings and recommendations, which was mailed to plaintiff at his
address of record, was again returned to the court as "undeliverable."